

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, SEPTEMBER 1, 2011, 1:00 P.M.**

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**CALL TO ORDER**

Gary Goodchild, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Gary Goodchild	Bill Mitchell	Bob Peregrine	Pat Haukohl
	Walter Kolb	Jim Siepmann	Fritz Ruf	

Commission

Members Absent: None

Staff

Members Present: Jason Fruth, Planning and Zoning Manager  
Elfriede Sprague, Clerk Typist III  
Kathy Brady, Secretary Supervisor

Guests Present:	Steve Sobieski:	SCU-1546
	Atty. Mike Schober:	SCU-1546
	Gary Lake	Town of Brookfield Text Amendments
	Mark and Deanna Greulich	Accessory building with principle residence
	Henry Elling	SVZ-1719

**CORRESPONDENCE:**

Invitation for the 2011 Conservation Tour, Southeast Area Land & Water Conservation Association, sponsored by Waukesha County on Monday, September 12, 2011.

*After discussion, Mr. Ruf moved, seconded by Mrs. Haukohl, and carried unanimously for approval, for the Park and Planning Commissioners to attend the 2011 Conservation Tour, on Monday, September 12, 2011. Mr. Ruf and Mrs. Haukohl indicated they would be attending.*

**MEETING APPROVAL:**

*Plan Commission Basics Workshop, presented by UW Cooperative Extension Waukesha County, Waukesha County Department of Parks and Land Use, SEWRPC and UW Extension Center for Land Use-Stevens Point, Monday, October 10, 2011, 6:00 p.m. to 8:30 p.m., Waukesha County Courthouse, County Board Room C350*

*After discussion, Mrs. Haukohl moved, seconded by Mr. Ruf, and carried unanimously for approval, for the Park and Planning Commissioners to attend the Plan Commission Basics Workshop on October 10, 2011 from 6:00 p.m. to 8:30 p.m. in the Waukesha County Board Room. Chairman Goodchild, Mrs. Haukohl, Mr. Siepmann and Mr. Mitchell submitted their registration forms.*

**MINUTES**

Approval of the July 21, 2011, Minutes

*After discussion, Mr. Ruf moved, seconded by Mr. Siepmann, and carried unanimously for approval, of the July 21, 2011, Minutes.*

**PUBLIC COMMENT:**

Chairman Goodchild asked if anyone from the audience wished to address the Commission?

Mr. Rank requested that the Commission hear his agenda item first as he had another meeting to attend.

*After discussion, Mr. Ruf moved, seconded by Mr. Siepmann, and carried unanimously to hear Mr. Rank's case next.*

- **(Nick Rank – Road, Track and Trail) Town of Vernon, Section 1**

Mr. Fruth presented the "Staff Memorandum" dated September 1, 2011, and made a part of these Minutes. He indicated the request is for a determination of whether the repair, service and maintenance of motorcycles, all-terrain vehicles, snowmobiles, personal watercraft and recreational trailers is a similar use to the permitted uses specified in the conditional rezoning of CZ-0972A for the property.

Mr. Fruth identified Mr. Rank's property/business on Enterprise Dr. on the GIS mapping system. He then identified the building Mr. Rank was wishing to purchase, which he previously used for storage. Mr. Fruth continued that the petitioner has already been through a Site Plan and Plan of Operation process with both the Town and County and the Town has recommended approval of repair as a similar use. He continued that back in 2009, the County and Town did work together to try and clean up some issues that kept cropping up on Enterprise Dr. The Staff drafted an Ordinance that would have made repair a permitted use without individual applicants having to apply. However, despite the positive recommendation of the Town Plan Commission, the Town Board denied the rezone request stating that they were in the process of rewriting a Town Ordinance that may have had an effect on the permitted uses. The Town's ordinance work would modify some of the issue areas, which included repair of vehicles, overnight outside storage, and some limitations on the number of hours a business could operate. However, it has been two years and the Town of Vernon has not yet adopted the Ordinance, so the Town and County have decided that there was no reason to hold up Mr. Rank's request. The Staff recommends the Commission consider this type of incidental repair as a similar use to the other business uses that are permitted in this area and approve this request.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Mitchell, and carried unanimously to allow the repair, service and maintenance of motorcycles, all-terrain vehicles, snowmobiles, personal watercraft and recreational trailers on the property in accordance with the Staff Memorandum. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **SVZ-1719 (Stephanie Vecitis) Village of Summit, Section 9, (B-2 Local Business and R-3 Residential Districts)**

Mr. Fruth presented the "Staff Report and Recommendation" dated September 1, 2011, and made a part of these Minutes. He pointed out the location of the property at 32714 Valley Rd. (C.T.H. "B"), Village of Summit on the aerial photograph. He stated because the property was under the jurisdictional limits of the Waukesha County Shoreland and Floodland Protection Ordinance, as well as the Town of Summit Zoning Ordinance, prior to the incorporation of the Village of Summit, it remains subject to the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance, with the Village being responsible for the enforcement of those provisions. Therefore, the zoning on the subject property is being amended under both the Waukesha County Shoreland and Floodland Protection Ordinance and the Village of Summit Zoning Ordinance.

Mr. Fruth identified the property as being east of Burke's Lakeside Restaurant, the former Chuck's Lakeside and stated that since the restaurant opened, about a year ago, it has been very successful and has developed a need for additional parking. Because of this need, they are looking to rezone the northerly portion of an adjacent property to the east (the Vecitis property). That portion of the property would then transferred to the petitioner and combined with their adjacent property to the west and north, to expand the parking lot for the restaurant. The single-family residence and attached garage on the Vecitis property would remain residential and is proposed to be rezoned to the R-3 Residential District, which would accommodate the reduced lot size.

Mr. Fruth explained the existing parking area already complies with the County Shoreland Ordinance, but sometimes that may not provide adequate parking and this is such a case. The Ordinance requires 68 stalls, 7 stalls per 1,000 sq. ft. of floor area, and the restaurant is about 8,400 sq. ft, with a 1,000 sq. ft. deck area. The expansion of the parking area would give them some extra room. There are bio-retention facilities being proposed for stormwater management, both to the east and west and a tree line being preserved in the same area. There is a natural buffer of evergreens between the restaurant and the neighboring property. There are some plantings proposed in the southwest corner to provide further screening. Approximately 11,000 sq. ft. are proposed to be transferred to the Burke's property and combined by Certified Survey Map.

Mr. Fruth stated the restaurant currently has 5 ADA (American Disability Act) compliant stalls and was not sure if more were being proposed for the additional parking. Mr. Elling, Village of Summit planner, responded he did not believe so; the additional parking that is being added is for regular customers. The restaurants expectation is that they would have valet parking as well, to control the parking and the arrangement in the back of the property. The proposal is consistent with the County Development Plan which incorporates the Village Plan, and the Village recently adopted an amendment to accommodate this change. The Staff recommends approval conditioned upon County review of the Certified Survey Map and preservation of trees, as depicted on the plan.

*After discussion, Mr. Ruf moved, seconded by Mr. Peregrine, and carried unanimously for approval as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **ZT-1722 (Text Amendment) Town of Brookfield**

Mr. Fruth presented the "Staff Report and Recommendation" dated September 1, 2011, and made a part of these Minutes. He indicated the request is for text amendments to repeal and recreate Section 17.08(5)(a)3 of the Town of Brookfield Zoning Code pertaining to signs.

Mr. Fruth stated this Text Amendment makes a minor change to the Town's Ordinance. The amendment will allow for multi-tenant signage to display more than three tenant names. In 2008, the Town of Brookfield made various changes to its signage regulations that capped the limit to three. Based upon a request for a change to this provision made by a local property owner, the Town proposed this code change and the Town's Architectural Committee recommended that the three tenant maximum be eliminated, noting that adequate provisions exist within the Ordinance for case by case review of proposed signage. The Committee felt that Master Sign policy provisions, which consider such factors as posted speed limits and traffic volume along commercial corridors and needs for directional signage, would ensure that adequate protections are in place.

*After discussion, Mr. Ruf moved, seconded by Mr. Kolb, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.*

- **ZT-1697 (Text Amendment) Town of Brookfield**

Mr. Fruth presented the “Staff Report and Recommendation” dated September 1, 2011, and made a part of these Minutes. He indicated the request is for text amendments to create Section 17.04(21) of the Town of Brookfield Zoning Code relating to the creation of a Mixed Use District.

Mr. Fruth explained this amendment is for the creation of a new zoning district, the Mixed Use District, in order “to provide for coordinated development with a variety of uses such as office, commercial, institutional and residential and their necessary support functions in the vicinity of key highway intersections and transit corridors”. This followed an effort to create a neighborhood plan for the Bluemound Road corridor from Barker Road to Janacek Road, which laid the groundwork for mixed use in that area. The County Development Plan incorporated that mixed use concept and a number of areas in the County were mapped as mixed use for the first time in 2009.

The Town Plan Commission first drafted a copy of this ordinance in 2009. At that time, Mr. Mace reviewed the ordinance and sent a letter to Gary Lake, the Town Planner, identifying a number of items that need to be addressed. They have now addressed those items and the Staff is now comfortable recommending approval of the amendment; however, Staff does feel the Town needs to comprehensively review the side yard offset issue, but believes it can be addressed in the Site Plan/Plan of Operation review process.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.*

- **ZT-1723 (Text Amendment) Town of Brookfield**

Mr. Fruth presented the “Staff Report and Recommendation” dated September 1, 2011, and made a part of these Minutes. He indicated the request is for text amendments to create Section 17.02(14)(b)2.I. of the Town of Brookfield Zoning Code to allow churches in the B-3 Zoning District as a Conditional Use.

Mr. Fruth explained the Town of Brookfield’s Zoning Code currently allows for churches as a permitted use in the Institutional District and as a Conditional Use in residential districts. The property that generated this amendment had been vacant for several years and a church had expressed an interest in occupying the property, which is in the B-3 District. The Town felt it was an appropriate use and County Staff feels it is not inconsistent as far as the intensity of the use. In examining each request, the Town has placed provisions in the Ordinance that state they will look at such things as Site Plan elements, traffic control issues, length and terms of lease, etc. He noted that the County Ordinance does allow for churches as conditional uses in all districts. The Staff is recommending approval and feels that occupying some of the vacant structures that may be having a hard time financially, might in the long term ensure that the commercial use remains.

*After discussion, Mr. Peregrine moved, seconded by Mr. Ruf, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.*

- **Amend the Sanitary Sewer Service Area for the Village of Sussex and the Town of Lisbon**

Mr. Fruth presented the “Sanitary Sewer Service Area Amendment for the Village of Sussex and Town of Lisbon” dated June 2011, and made a part of these Minutes.

Mr. Fruth noted that this is a rather large sewer amendment. Under the proposal, 2,184 acres will be added to the sewer area; 1,346 acres will be added to the Village of Sussex with SEWRPC estimating the area would accommodate approximately 1,400 people long term under a build out condition. 840 acres will be added to the plan as a result of the Town’s request, with the potential to accommodate an additional 1,420 people. There is a large amount of Environmental Corridor and Isolated Natural Area within the area and the plan does recommend for the preservation of those corridor areas. It specifically stipulates that development must comply with SEWRPC standards as far as the development of those corridors or the service extension of sewer to those areas. SEWRPC recommends a maximum of one dwelling unit per five acres or the outright preservation of corridor areas.

Mrs. Haukohl commented the amendment seems to cover a lot of Environmental Corridor and was uncomfortable with the large scope of the amendment. She questioned what was to prevent development in those corridors.

Mr. Fruth replied the Town of Lisbon and the County protect their Environmental Corridors (EC) through the Development Plan and through Town and Shoreland Zoning. He does not know what the Village of Sussex will allow as far as development in corridors, however if the County receives a subdivision plat for review; the County will recommend those plats get developed in conformance with the County Development Plan. To get sewer extensions to the proposed lands, they will also have to comply with SEWRPC’s plan. If one were to look at it from the perspective of how the lands within the Village would develop if there weren’t such a sewer service plan, they could probably develop their EC on septic and well and divide the land even further. The sewer service plan actually brings in the relevance of the environmental regulations; as most of the time there is a desire to serve properties with sewer and water, especially if it is within a City and Village to achieve higher density. Mr. Fruth noted that the Sussex Treatment Plant, which would serve this area, was expanded in 2008 and the report indicates there is more than adequate capacity for the expanded area. Both communities have expressed their support of this change.

*After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine, and carried with six yes votes, (Mrs. Haukohl voted “No”) for approval in accordance with the report entitled “Sanitary Sewer Service Area for the Village of Village of Sussex and Town of Lisbon dated June 2011.”*

- **(Mark and Deanna Greulich) Town of Oconomowoc, Section 14**

Mr. Fruth presented the “Staff Memorandum” dated September 1, 2011, and made a part of these Minutes. He pointed out the location of the property at W350 N7705 Norwegian Rd. in the Town of Oconomowoc on the aerial photograph and indicated the request is for approval of an accessory building without a principal residence.

Mr. Fruth noted that property was formerly owned by Dave Robinson. The petitioners have purchased the property and are now utilizing it as a farm. They hope to sell their existing residence and build a new residence on the property in the near future. Meanwhile, the petitioners would like to construct a large farm building to provide shelter for their horses that they already have on the property and for future horses that they may breed, raise, and train. The building will be outside of the Environmental Corridor and in an open area. It will not be used for the operation of a commercial boarding or riding stable for horses or agricultural pursuits specializing in the forced feeding of livestock. The use of the building will be

accessory to a farming operation which is consistent with the use provisions of the district in which it is located. Mrs. Haukohl wondered if there should be a condition added placing a time limit on when the principle residence needed to be added. Mr. Peregrine responded that the Town of Oconomowoc did not want to add that condition as they felt in this economy; it would place an unnecessary financial burden on the petitioners, when it is their intent to eventually build a principle residence once their residences sell. Mr. Fruth added the Ordinance does not address the issue and because this property is over 35 acres, an accessory building without a primary residence is a permissible use.

***After discussion, Mr. Peregrine moved, seconded by Mr. Kolb, and carried unanimously for approval of an accessory building without a principal residence, as conditioned, in accordance with the "Staff Memorandum." The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.***

• **SCU-1546 (Ronald and Marietta Marshall) Town of Oconomowoc, Section 25**

Mr. Fruth presented the "Staff Report Addendum" dated September 1, 2011, and made a part of these Minutes. He pointed out the location of the property, at W347 N6123 Road I and W347 N6119 Road I in the Town of Oconomowoc on the aerial photograph and indicated the request is for land altering activities associated with the removal of an existing residence and the construction of an addition to another single-family residence on the property. (*Matter deferred from the 08/18/11 meeting*).

Mr. Fruth explained this matter was tabled at the July 21, 2011 meeting with a direction from the Planning Commission to the petitioner and Staff get together and work out a compromise regarding the petition. Since that time, the Staff met with Mr. Sobieski, the builder, on two occasions and Atty. Schober joined them the last time they met. At the first meeting, there were discussions on what compromises could be made. Staff suggested some of the trees on the site plan they thought could be saved if the grading was pulled back. The revised plan shows they were successful in saving those trees. There was one large oak to the side of the residence that Staff agreed the grading was going to be too close for it to survive, so the petitioner has indicated they will remove that tree. The revised plan terminates grading from the shoreline at about 45 ft., whereas the previous plan had it at 25 ft. to 30 ft. of the Okauchee Lake shoreline.

There is now a 6 ft. cut right at the residence, whereas the prior plan was about 2 ft. deeper. Another suggestion Staff offered was to incorporate some walls to minimize the extensive grading. The petitioner has done so, adding some garden/landscape walls, (walls that are less than 24 inches) which helped to reduce some of the grading impact in the vicinity of the large trees and on the shoreline side. Exhibit "C" shows the appearance of the house has changed very little from the previous plan. The primary change being the walk out patio doors that had been proposed for the middle part of the residence have been eliminated and replaced with full size windows. The owner has indicated that they will instead use the existing walkout area on the part of the residence to be retained. The proposal still includes the removal of certain near shore improvements, such as a retaining wall, a fire pit area, and a patio area. Geri Rademacher of the DNR, indicated to Staff that if the petitioner pulled the grading back as is being proposed 45 ft. or so from the shoreline, there may be no need for mitigation as was required in the previous plan. Staff has revised some of the conditions based upon the new plan and is suggesting that grading be restricted to 45 ft. from the lake as proposed, orange construction fencing be installed in the vicinity of some of the large trees that are now proposed to be retained, the garden walls be vegetated or landscaped to help break up the visual impact from the lake and trees that are cut should be replaced with new trees. The new proposal gives better protection to the shoreline and the integrity of the overall slope will be accomplished through this revised plan. Chairman Goodchild asked the petitioners if they had reviewed the revised conditions. They replied they had and that they could move forward with them.

*After a brief discussion, Mr. Peregrine moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Mitchell moved, seconded by Mrs. Haukohl to adjourn 2:00 p.m.*

Respectfully submitted,

*Pat Haukohl*

Pat Haukohl  
Secretary

PH:es